

AMENDED IN SENATE MAY 2, 2006

SENATE BILL

No. 1161

Introduced by Senator Alarcon

January 10, 2006

An act to amend Section 217, 217.7, and 217.9 of, and to repeal *and add* Section 217.8 of, the Streets and Highways Code, relating to state highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 1161, as amended, Alarcon. State highways: design-sequencing contracts.

Existing law authorizes the Department of Transportation, until January 1, 2010, to conduct a pilot project to award design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, to be selected by the Director of Transportation.

This bill would instead generally authorize the department to award contracts for projects using the design-sequencing contract method, if certain requirements are met. *The bill would require the department to continue the use of a peer review committee to assist the department in preparing an annual report to the Legislature describing and evaluating the outcome of the design-sequencing contracts until December 31, 2010.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) “Design-sequencing” or “fast track design” is a valuable
4 project delivery tool that can reduce project completion time
5 according to the Department of Transportation.

6 (b) The California Business, Transportation and housing
7 Agency has found that the effectiveness of design-sequencing
8 has been demonstrated and that a statutory cap and other
9 restrictions on design-sequencing projects are unnecessary.

10 (c) In order to provide the Department of Transportation with
11 unconditional authority to use the design-sequencing method of
12 contracting and fast track the completion of projects throughout
13 the state, this act eliminates statutory constraints established on
14 the number, geographic location, and duration of authority for
15 design-sequencing projects in California.

16 SEC. 2. Section 217 of the Streets and Highways Code is
17 amended to read:

18 217. The following definitions apply for the purposes of this
19 article:

20 (a) “Design” is a plan completed to a level of 30 percent.

21 (b) “Design-sequencing” is a method of contracting that
22 enables the sequencing of design activities to permit each
23 construction phase to commence when design for that phase is
24 complete, instead of requiring design for the entire project to be
25 completed before commencing construction.

26 (c) A “design-sequencing contract” is a contract between the
27 department and a contractor that requires the department to
28 prepare a design and permits construction of a project to
29 commence upon completion of design for a construction phase.

30 SEC. 3. Section 217.7 of the Streets and Highways Code is
31 amended to read:

32 217.7. Notwithstanding Section 10120 of the Public Contract
33 Code and Chapter 10 (commencing with Section 4525) of
34 Division 5 of Title 1 of the Government Code, the department
35 may award contracts pursuant to the competitive bidding
36 provisions of the State Contract Act(Part 2 (commencing with
37 Section 10100) of Division 2 of the Public Contract Code)using
38 the design-sequencing contracting method defined in Section

1 217. For the purpose of this article, these projects shall be
2 deemed public works.

3 SEC. 4. Section 217.8 of the Streets and Highways Code is
4 repealed.

5 SEC. 5. *Section 217.8 is added to the Streets and Highways*
6 *Code, to read:*

7 217.8. *The department shall continue the use of a peer review*
8 *committee for design sequencing established by Chapter 378 of*
9 *the Statutes of 1999. The peer review committee shall assist the*
10 *department in preparing a report for submittal to the Legislature*
11 *that describes and evaluates the outcome of the*
12 *design-sequencing contracts, stating the positive and negative*
13 *aspects of using design sequencing as a contracting method. The*
14 *peer review committee shall be disbanded on December 31,*
15 *2010. The first report shall be submitted on December 31, 2007,*
16 *and annually thereafter until December 31, 2010.*

17 ~~SEC. 5.~~

18 SEC. 6. Section 217.9 of the Streets and Highways Code is
19 amended to read:

20 217.9. Design-sequencing contracts, as described in Section
21 217.7, shall be awarded in accordance with all of the following:

22 (a) The department shall advertise design-sequencing projects
23 by special public notice to contractors.

24 (b) Contractors shall be required to provide prequalification
25 information establishing appropriate licensure and successful
26 past experience with the proposed work, *including their skilled*
27 *labor force availability and safety record, as defined in clauses*
28 *(v) and (vi) of subparagraph (B) of paragraph (4) of subdivision*
29 *(d) of Section 20133 of the Public Contract Code.*